

Christopher Quinn

Plaintiff filing pro se as an individual.

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Via Hand Delivery to the Court Clerk

Honorable Judge Gary R. Brown

U.S. District Court for the Eastern District of New York

100 Federal Plaza

Central Islip NY 11722

RE: Christopher Quinn, et al. c. Crosby Capital USA LLC, et al.

Docket Number: 2:20-cv-00358-GRB-SIL

Referencing Document numbered 90 in the Docket.

Dear Honorable Judge Brown,

June 7, 2021

I am the Plaintiff in the above-mentioned case, and am filing this letter Pro Se. In response to the Report and Recommendation from Magistrate Steven Locke. To that end I respectfully submit the following argument:

Your Honor, I understand that as a Pro Se Plaintiff, doing battle with four separate New York City Law firms my work must lack polish and experience by contrast. I continue to learn by trial and error, reading, research, and have benefitted from the Hofstra Law Tutor Program based at the Pro Se wing of the Federal Courthouse for the Eastern District.

In my reading, as well as conversations with the Federal Law tutor and student tutors at the Courthouse, I have learned that an amended complaint completely replaces the original complaint and that after filing an amended complaint, it is as if the original complaint doesn't exist. In the Magistrate's recommendation, he states that because I am a pro-se plaintiff, that rule does not apply and that my original complaint and pleadings must be considered. I was operating under the impression after research that I was free from judgement of my earlier and less refined work, which I prepared from a position much lower down this extensive learning curve.

Your Honor in the Magistrate's recommendation he discussed materials considered by the court, and states that my original complaint and responses must be "given the benefit of incorporation". I would request that they are not, as I am not a lost pro se filer and am doing my best to research and submit to this court correctly, under both Federal Law, Local rules and Your Honor's Published court requirements. It is also important to consider that in general the Court must accept as true all material factual allegations in the complaint. I as Plaintiff have not yet had the benefit of a rule 26 meeting, to kick off discovery, and I have not been given the benefit of obtaining critical records which will provide additional supporting documentation with regard to several of the federal questions I have raised in my amended complaint. I have not yet had the opportunity to litigate these claims under the federal questions identified. The fraudulent actions of the defendants, and their violations of federal law in

multiple instances along the daisy chain of events leading to ultimate damage to the plaintiff, must be evaluated.

Res Judicata

The Rubel and ABL Defendants are requesting dismissal based upon the Doctrine of Res Judicata. This case does not seek to overturn a ruling by the State court. This case does not complain of damages caused by a decision in state court. This case alleges an organized fraud, carefully arranged with malice aforethought and malicious intent, carried out in violation of Federal Law at several different junctures during its execution.

Signed Guarantee

The Crosby Defendants are requesting dismissal based upon a Personal Guaranty document signed by the Plaintiff. This Fraud cannot be excused by some rights allegedly signed away by the borrower by some personal guaranty agreement produced by some of the very same defendants of this complaint. The defendants would argue that by virtue of the plaintiff signing some waiver of rights, they would have free license to run willy-nilly without governance of Federal Law? This transaction was architecturally designed to skirt Federal Law.

Basis under Dodd Frank, RESPA, and TILA

These defendants are the sales people, underwriters, lending company and servicing company of this loan in question. Because of a technicality they argue that none of these laws and standards apply to this transaction (they are not liable as Lenders because they do not meet the definition under Dodd-Frank). Is it a stretch to think that the Defendants may have set things up this way with intent? The Defendants argue that RESPA should not at all apply because the lenders instructed the borrower to form an LLC and used that as a technicality to categorize the loan as commercial in nature. The project at hand was a single family home renovation loan, which was borrowed by a single individual, the home owner, who the lender instructed to organize as an LLC, then used questionable paperwork to classify the mortgage as a commercial loan. Again this transaction was architecturally designed to skirt Federal Law.

Your Honor my complaints are real, and meritorious, which I can continue to demonstrate via discovery, litigation of facts, accompanied by improved working knowledge of the law and these court proceedings. I regret the fact that I cannot at this time afford professional counsel. This transaction has cost me seven figures in cash and equity, and renders me further underwater with another seven figures in liens obtained falsely and duplicitously. I have spent in excess of \$165k on legal representation from deal inception to the point when I had to file this action Pro Se. This complaint is not a re-hash of a state court decision that did not go favorably. This complaint is a cry for help to our Federal Government on the part of a small business person who suffered a multimillion dollar injury at the hands of a well established racket of players, working in concert. Most individuals who have done battle with this crowd of defendants have been left in ruins, as well as corporate and personal bankruptcy. I don't think any other injured borrowers have been able to make it to the point that I have using the court system. I don't think that other injured borrowers even understand the laws that were broken here in my case and in other parallel cases. I did find records of other similar cases featuring the same defendants. The defendants always prevail. They can afford better attorneys, and have more experience and tenacity. An individual experiencing this type of loss at the hands of a crooked lender

experience and tenacity. An individual experiencing this type of loss at the hands of a crooked lender will often find their personal life in ruins. Working capital gone, credit damaged, reputation in question with subcontractors, building material suppliers, and other relationships. I have contacted and spoke with several of the other plaintiffs in similar cases with the same defendants.

Your Honor, I was a single young man when this disaster happened to me. If this fraud happened to me now, I would be missing my son's school tuition payments, credit card bills, car payments and I would have an extremely hard time feeding my spouse and children. I shake my head to think about what that would be like. This Plaintiff hit the books to learn the workings of Federal Law that regulates the home loan industry and was horrified to discover the tricks employed by the defendants to get things to this point

I am sure it would be easier for all involved for the court to issue a dismissal with prejudice, so that I would not be able to point out these horrific circumstances, subsequent actions, and catastrophic financial results, so that the Defendants could go about their business of doing more of the same successfully. This complaint on the public record represents a threat to the defendants' business model as it calls out the risks and pitfalls to other future borrowers. These borrowers would have to consider and request adjustments to the form and format of their business arrangements. One Defendant has his law license at stake or at a minimum an Errors and Omissions insurance claim based on his certification of an erroneous or fraudulent HUD1 as the Defendant's closing Attorney. I represent this group of Defendants' worst nightmare as a threat to their ongoing cash flow. No wonder they have retained seven Attorneys, at three, now four NYC law firms to coalesce and find every technicality to attempt to have my case dismissed. I applaud their efforts and it makes me wish I was a formally educated attorney. The unfortunate truth for them is that my claims are valid, and with merit, so the only way they can silence my voice is to have my complaint dismissed on the basis of technicality.

Your Honor I am committed to improving my skill on an ongoing basis and refining my claim to keep within the law and with relevance before this Federal Venue. I pray the court allow me leave to replead, with edits for cleanliness and clarity, with renewed focus on the federal questions in play. At the very least if the Court finds necessity to dismiss, please find reason to do so without prejudice, so that I may attack the matter with better form and format.

I thank you for this Court's time.

Best Regards,

A handwritten signature in black ink, appearing to read 'Christopher Quinn', with a stylized flourish at the end.

Christopher Quinn
Pro se litigant
Plaintiff